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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,796	06/21/2001	Edward P. Williams	705880US1	6165

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EXAMINER

O'CONNOR, GERALD J

ART UNIT PAPER NUMBER

3627

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

OF

Office Action Summary	Application No. 09/886,796	Applicant(s) Williams et al.	
	Examiner O'Connor	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on September 16, 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
 - 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on June 21, 2001 is/are: a) accepted or b) objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Preliminary Remarks

1. This Office action responds to the amendment and arguments filed by applicant on September 16, 2004 in reply to the previous Office action, mailed June 18, 2004.
2. The amendment of claims 1-8, 10, 12, and 13 by applicant on September 16, 2004 is hereby acknowledged.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 6,470,324), in view of Sheldon et al. (US 5,765,143).

Brown et al. disclose a computer-implemented method for determining a suggested vehicle part stocking level for a vehicle retailer, using a centralized computer located at a supplier of vehicle parts, the method comprising: receiving from the vehicle retailer at least one of a target fill rate and a target inventory investment; accessing part demand information for the

vehicle retailer; and, determining a suggested part stocking level for the vehicle retailer based on the part demand information in view of the target fill rate or the target inventory investment input by the vehicle retailer, but Brown et al. do not disclose a local computer at the vehicle retailer in communication with the centralized computer, with the local computer performing the forecasting, nor do Brown et al. disclose accessing part cost information and using that information in part in making the determination of the suggested part stocking level for the vehicle retailer.

However, Sheldon et al. disclose a similar computer-implemented method, which method indeed includes use of both a centralized computer and a local computer, with the part forecast determination being performed by either computer. Additionally, assessing inventory in terms of its dollar value rather than a numerical quantity of items by summing the cost(s) of the items in inventory is a well known, hence obvious, technique to use in quantifying an amount of inventory in a business.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Brown et al. so as to include a local computer in addition to the centralized computer and perform the forecast determination on the local computer, in accordance with the teaching of Sheldon et al., in order to perform the forecasting locally, even at such times as the network communications connection was unavailable, as well as to include the step of accessing part cost information so that the target fill rate or target inventory investment could be expressed as a dollar value rather than a quantity of items in

making of the determination of the suggested part stocking level for the vehicle retailer, as is well known to do, in order to value the inventory of the vehicle retailer in a manner consistent with the financial aspects of operating a for-profit business by minimizing costs, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Regarding claims 2 and 4, the method of Brown et al. includes forecasting average weekly sales data for each part in part based on prior sales data for the vehicle retailer and in part based on prior sales data by other vehicle retailers in a proximate geographic area. See, in particular, column 3, lines 9-62, and column 5, lines 17-20.

Regarding claim 3, the method of Brown et al. includes using a variable response smoothing technique to calculate average weekly sales data. See, in particular, column 3, lines 9-11.

Regarding claims 5 and 7, the method of Brown et al. includes computing an optimal inventory stocking level and an optimal re-order level for each part, as well as translating the suggested part stocking level to a suggested part order for the vehicle retailer in view of the current part inventory held by the vehicle retailer. See, in particular, column 5, lines 17-20.

Regarding claim 6, the method of Brown et al. includes determining the suggested part stocking level in view of inventory constraints. See, in particular, column 5, lines 26-28.

Response to Arguments

5. Applicant's arguments filed September 16, 2004 have been fully considered but they are not persuasive.

6. The arguments regarding the previous prior art rejections have been considered, but have been rendered moot by applicant's amendment, and the consequent new grounds of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to the disclosure.

8. Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(703) 305-1525**, and whose facsimile number is **(703) 746-3976**.

The examiner can normally be reached weekdays from 9:30 to 6:00.

Inquiries of a general nature or simply relating to the status of the application should be directed to the receptionist, whose telephone number is **(703) 308-1113**.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski, can be reached at **(703) 308-5183**.

Official replies to this Office action may be submitted by any *one* of fax, mail, or hand delivery. **Faxed replies are preferred and should be directed to (703) 872-9306** (fax-back auto-reply receipt service provided). Mailed replies should be addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450." Hand delivered replies should be left with the receptionist on the seventh floor of Crystal Park Five, 2451 Crystal Dr, Arlington, VA 22202.

GJOC

December 22, 2004

 12-22-04

Gerald J. O'Connor
Patent Examiner
Group Art Unit 3627